

2022-1994

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

**CITY OF FRESNO, ARVIN-EDISON WATER STORAGE DISTRICT,
CHOWCHILLA WATER DISTRICT, DELANO-EARLIMART
IRRIGATION DISTRICT, EXETER IRRIGATION DISTRICT, IVANHOE
IRRIGATION DISTRICT, LINDMORE IRRIGATION DISTRICT,
LINDSAY-STRATHMORE IRRIGATION DISTRICT, LOWER TULE
RIVER IRRIGATION DISTRICT, ORANGE COVE IRRIGATION
DISTRICT, PORTERVILLE IRRIGATION DISTRICT, SAUCELITO
IRRIGATION DISTRICT, SHAFTER-WASCO IRRIGATION DISTRICT,
SOUTHERN SAN JOAQUIN MUNICIPAL UTILITY DISTRICT, STONE
CORRAL IRRIGATION DISTRICT, TEA POT DOME WATER
DISTRICT, TERRA BELLA IRRIGATION DISTRICT, TULARE
IRRIGATION DISTRICT, LOREN BOOTH LLC, MATTHEW J. FISHER,
JULIA K. FISHER, HRONIS INC., CLIFFORD R. LOEFFLER, MAUREEN
LOEFFLER, DOUGLAS PHILLIPS, CARALEE PHILLIPS,**

Plaintiffs-Appellants,

v.

**UNITED STATES, SAN LUIS & DELTA-MENDOTA WATER
AUTHORITY, SANTA CLARA VALLEY WATER DISTRICT, SAN LUIS
WATER DISTRICT, WESTLANDS WATER DISTRICT, GRASSLAND
WATER DISTRICT, JAMES IRRIGATION DISTRICT, BYRON
BETHANY IRRIGATION DISTRICT, DEL PUERTO WATER DISTRICT,
SAN JOAQUIN RIVER EXCHANGE CONTRACTORS WATER
AUTHORITY, CENTRAL CALIFORNIA IRRIGATION DISTRICT,
FIREBAUGH CANAL WATER DISTRICT, SAN LUIS CANAL
COMPANY, COLUMBIA CANAL COMPANY,**

Defendants-Appellees

Appeals from the United States Court of Federal Claims in Nos. No. 1:16-cv-01276-AOB, Judge Armando O. Bonilla.

PLAINTIFFS-APPELLANTS' AMENDED NOTICE OF APPEAL

Of Counsel

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Counsel for Plaintiffs-Appellants

Plaintiffs-Appellants' Amended Notice of Appeal

Notice is hereby given that Plaintiffs, the City of Fresno, Arvin-Edison Water Storage District, Chowchilla Water District, Delano-Earlimart Irrigation District, Exeter Irrigation District, Ivanhoe Irrigation District, Lindmore Irrigation District, Lindsay-Strathmore Irrigation District, Lower Tule River Irrigation District, Orange Cove Irrigation District, Porterville Irrigation District, Saucelito Irrigation District, Shafter-Wasco Irrigation District, Southern-San Joaquin Municipal Utility District, Stone Corral Irrigation District, Tea Pot Dome Water District, Terra Bella Irrigation District and Tulare Irrigation District, and individual Plaintiffs, Loren Booth LLC, Matthew J. Fisher, Julia K. Fisher, Hronis Inc., Clifford R. Loeffler, Maureen Loeffler, Douglas Phillips, and Caralee Phillips, appeal to the United States Court of Appeals for the Federal Circuit the June 7, 2022 entry of Final Judgment by the U.S. Court of Federal Claims in favor of the United States for this case.¹ This is Plaintiffs' Amended Notice of Appeal in accordance with the Court's July 29, 2022 Order.²

¹ Entry of Final Judgment (June 7, 2022), ECF No. 228; *see also* Op. & Order (Mar. 25, 2020), ECF No. 163 and Op. & Order (June 6, 2022), ECF No. 227.

² Order (July 29, 2022), ECF No. 21.

August 2, 2022

Respectfully submitted,

s/Nancie G. Marzulla

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CERTIFICATE OF SERVICE

I certify that on this August 2, 2022, a true and complete copy of the foregoing has been filed with the Clerk of the Court pursuant to the Court's electronic filing procedures and served on counsel of record via the Court's electronic filing system.

Dated: August 2, 2022

s/Nancie G. Marzulla
Nancie G. Marzulla

FORM 19. Certificate of Compliance with Type-Volume Limitations

Form 19
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS

Case Number: 2022-1994

Short Case Caption: City of Fresno v. United States

Instructions: When computing a word, line, or page count, you may exclude any items listed as exempted under Fed. R. App. P. 5(c), Fed. R. App. P. 21(d), Fed. R. App. P. 27(d)(2), Fed. R. App. P. 32(f), or Fed. Cir. R. 32(b)(2).

The foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules because it meets one of the following:

- ☒ the filing has been prepared using a proportionally-spaced typeface and includes 186 words.
- ☐ the filing has been prepared using a monospaced typeface and includes _____ lines of text.
- ☐ the filing contains _____ pages / _____ words / _____ lines of text, which does not exceed the maximum authorized by this court's order (ECF No. _____).

Date: 08/02/2022

Signature: /s/ Nancie G. Marzulla

Name: Nancie G. Marzulla

FORM 9. Certificate of Interest

Form 9 (p. 1)
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number 2022-1994

Short Case Caption City of Fresno v. United States

Filing Party/Entity City of Fresno, et al.

Instructions: Complete each section of the form. In answering items 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance. **Please enter only one item per box; attach additional pages as needed and check the relevant box.** Counsel must immediately file an amended Certificate of Interest if information changes. Fed. Cir. R. 47.4(b).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 07/22/2022

Signature: s/ Nancie G. Marzulla

Name: Nancie G. Marzulla

FORM 9. Certificate of Interest

Form 9 (p. 2)
July 2020

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input checked="" type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input checked="" type="checkbox"/> None/Not Applicable
City of Fresno, CA		
Arvin-Edison Water Storage District		
Chowchilla Water District		
Delano-Earlimart Irrigation District		
Exeter Irrigation District		
Ivanhoe Irrigation District		
Lindmore Irrigation District		
Lindsay-Strathmore Irrigation District		
Lower Tule River Irrigation District		
Orange Cove Irrigation District		
Porterville Irrigation District		
Shafter-Wasco Irrigation District		

☒ Additional pages attached

FORM 9. Certificate of Interest

Form 9 (p. 3)
July 2020

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☐ None/Not Applicable

☐ Additional pages attached

Roger J. Marzulla, Marzulla Law, LLC		

5. Related Cases. Provide the case titles and numbers of any case known to be pending in this court or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. Do not include the originating case number(s) for this case. Fed. Cir. R. 47.4(a)(5). See also Fed. Cir. R. 47.5(b).

☐ None/Not Applicable

☐ Additional pages attached

Cty. of Fresno v. US, 1: 21-cv-00375-AOB (Fed. Cl.)		

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable

☐ Additional pages attached

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Southern San Joaquin Municipal Utility District		
Stone Corral Irrigation District		
Tea Pot Dome Water District		
Tulare Irrigation District		
Terra Bella Irrigation District		
Saucelito Irrigation District		
Loren Booth LLC		
Matthew J. Fisher		
Julia K. Fisher		
Hronis Inc.		
Clifford R. Loeffler		
Maureen Loeffler		
Douglas Phillips		
Caralee Phillips		